

REMARKS

Claims 1, 10-22, and 31-36 are all the claims pending in the present application. claims 2-9 and 23-30 having been canceled.

Applicants thank the Examiner for withdrawing the previous prior art rejections.

Claims 17-19 are indicated as containing allowable subject matter.

The previous allowability of claim 15 is withdrawn in view of the newly applied references.

Objections

On pages 2-3 of the Office Action, the Examiner alleges that Figs. 2 and 3 should be designated by a legend such as prior art because only that which is old is allegedly illustrated.

Applicants are considering changes to the drawings but do not know what the final claim features will include. The drawing changes will need to reflect the features of the claims as finally allowed.

§ 112, Second Paragraph, Rejection - Claims 1-4, 6-8, 10-19, and 35-36

Claims 1-4, 6-8, 10-19 and 35-36 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants submit that claims 1-4, 6-8, 10-19, and 35-36 satisfy the requirements under 35 U.S.C. § 112, second paragraph.

§ 103(a) Rejection (Alcatel/Van Lieshout) - Claims 1, 2-4, 6-8, 10-14, 16, and 35-36

Claims 1, 2-4, 6-8, 10-14, 16 and 35-36 are rejected as allegedly being obvious over Alcatel and Van Lieshout based on the reasons set forth on pages 5-9 of the Office Action.

Applicants submit that the applied references, including the Alcatel document, do not disclose or suggest at least, “managing, by the second network element, the transport quality of service according to said at least one parameter for transport quality of service management for

uplink transmission over an Iub interface between a controlling radio network controller and a Node B,” as recited in independent claim 1.

In particular, Applicants submit that the “Alcatel document” does not address the problem that a Node B does not teach or reasonably suggest the above-quoted feature, and therefore the invention thereof does not know which quality of service should be used in the transport network to transmit user data for a user equipment in the uplink direction over the interface between Node B and radio network controller. Therefore the quality of service may be degraded to an extent that users find unacceptable. The claimed invention provides a solution to such problem.

Applicants submit that independent claims 20 and 31 are patentable at least based on reasons analogous to those set forth above with respect to claim 1.

Dependent claims 10-16, 21-22 and 32-36 are patentable at least by virtue of their respective dependencies from independent claims 1, 20 and 31, respectively.

Claims 2-4 and 6-8 have been canceled as indicated herein without prejudice or disclaimer.

Allowable Subject Matter

Claims 17 and 19 have been amended such that claims 17-19 should now be indicated as allowed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/766,843

Attorney Docket No.: Q79623

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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